

<p>IN RE:</p> <p>U.S. CELLULAR CORP. AND ILLUMINET, INC.,</p> <p>Complainants,</p> <p>v.</p> <p>QWEST CORPORATION,</p> <p>Respondent.</p>	<p>DOCKET NO. FCU-02-13</p>
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(Issued August 16, 2002)

On July 5, 2002, U.S. Cellular Corp. (USCC) and Illuminet, Inc. (Illuminet) (collectively, Complainants), filed a "Complaint And Request For Immediate Relief" pursuant to Iowa Code §§ 476.3 and 476.101(8) and 199 IAC 6. Complainants allege that Qwest Corporation (Qwest) is unlawfully imposing charges on Illuminet for Signaling System 7 (SS7) services. Complainants requested relief in the form of an immediate injunction against any action by Qwest to terminate, or threaten to terminate, signaling service to Complainants pending final resolution of this complaint on the merits. Complainants also request a determination that Qwest's tariffed rates for signaling services are unlawful as applied to Complainants and an order directing that Qwest refund any monies paid to Qwest by Complainants for the traffic that is the subject of this complaint.

On July 17, 2002, Qwest filed an answer denying that immediate relief is appropriate and arguing that Illuminet should not be permitted to continue to receive services without paying for them.

On August 5, 2002, Complainants filed a response to Qwest's answer, primarily addressing their request for immediate relief.

Iowa Code § 476.101(8) provides, in relevant part, that when the Board initiates formal complaint proceedings in response to a written complaint regarding a local exchange carrier's compliance with sections 476.96 through 476.102, "[t]he board shall render a decision in the proceeding within 90 days after the date the written complaint was filed." Thus, the deadline for Board action in this docket is October 3, 2002. In order to satisfy that requirement, on August 9, 2002, the Board docketed this matter and established an accelerated procedural schedule.

On August 13, 2002, Complainants filed a request for additional time, seeking a two-week extension of each of the deadlines in the procedural schedule. Complainants agreed to waive the 90-day complaint processing requirements "to accommodate a brief extension and allow for better development of the case." Complainants state that they did not begin to work on discovery until the matter was docketed and, as a result, they would not serve data requests on Qwest until August 14, 2002. Under the accelerated schedule, Qwest's responses would be due August 19, 2002, the same date that Complainants' prepared direct testimony is due. Complainants state they will require additional time to negotiate any possible discovery disputes, analyze Qwest's responses to the data requests, and prepare testimony. Complainants also state that the deadlines in this matter overlap with

deadlines in similar proceedings in other states where Illuminet is a party, causing additional difficulties.

The Board will deny the request for additional time. Iowa Code § 476.101(8) provides that in matters such as this, "the board shall render a decision in the proceeding within ninety days after the date the written complaint was filed." This is a statutory requirement that the Board may not waive without the consent of all parties. Qwest has not consented or waived its right to a decision within ninety days and the Board must therefore take all reasonable steps to comply with the statute. Further, the Board notes that the Complainants chose to invoke this requirement when they filed their complaint and should have known that the resulting schedule would require rapid action on their part.

IT IS THEREFORE ORDERED:

The request for additional time filed on August 13, 2002, by U.S. Cellular Corp. and Illuminet, Inc., is denied.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Sharon Mayer
Executive Secretary, Assistant to

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 16th day of August, 2002.